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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,089	09/17/2003	Hiroyuki Sekiguchi	03886/0200058-US0	3720
7278	7590	09/23/2008	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770				MANCHO, RONNIE M
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/664,089	SEKIGUCHI, HIROYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	RONNIE MANCHO	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 June 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 29-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 29-33 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***0Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 29-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 29, recites, “sixth means for adjusting the parameter in a case where any forward traveling object other than the preceding vehicle has been judged”; “seventh means for judging whether *the adjusted parameter* is larger than a threshold value”. Thus the claimed “adjusted parameter” implies that a forward traveling object other than the preceding vehicle has been judged. Then claim 29 further recites, “an eighth means for judging that *the preceding vehicle is not traveling in front* of the travel path of the own vehicle in a case where *the adjusted parameter* is larger than the threshold value.” Now fig. 4 shows that at step S308 a first time is established according to a position of a preceding vehicle. Then in step S309 a second time is established according to objects other than the preceding vehicle. Now step S310 requires that a time be greater than or equal 100. Does the time in S310 refer to the time in S308 or S309 or both? The claimed limitations are therefore not enabled since they are not supported in the disclosure.

Next the limitation, “eighth means for judging that the preceding vehicle is NOT traveling in front of the travel path of the own vehicle in a case where the adjusted parameter is

larger than the threshold value and outputting a signal". The limitation is not enabled. In step S308 of fig. 4 (see applicant's disclosure, page 16, lines 2-12; page 17, lines 14 to page 18, line 3) a timer is presumably increased indicating how long a vehicle is in a path in front of a preceding vehicle. Then step S310 indicates that a vehicle has been in a path in front of a preceding vehicle in a time greater than 100 i.e. the time is larger than a threshold value of 100. Step S311 indicates that a preceding vehicle is NOT in a path in front of the own vehicle. Thus step S311 is contrary to steps S304, S305, S308, S309, S310. The above recited limitation is thus not enabled.

The rest of the claims are rejected for depending on a rejected base claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. As best Understood, claims 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Saneyoshi et al (6122597).

Regarding claim 29, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose a vehicle surroundings monitoring apparatus comprising:

(a) first means (fig. 12, col. 8, line 50-55) for detecting at least solid object information ahead of an own vehicle;

(c) second means (figs. 6, 7, 12, 13; col. 3, lines 11-49) for estimating a travel path for the own vehicle on a road ahead;

(b) third means (fig. 12, col. 8, line 50-55) for recognizing a preceding vehicle traveling in front of the own vehicle based on the solid object information; and

(d) fourth means (figs. 6, 7, 12, 13; col. 3, lines 11-49) for judging whether there is any forward traveling object, which travels in the same direction as the own vehicle, other than the preceding vehicle based on the solid object information (col. 5, lines 5-41; col. 8, lines 12-43; fig. 14);

fifth means (fig. 8; col. 5, lines 42-49) for setting a parameter in response to both a lengthwise and a widthwise distance of the preceding vehicle from the own vehicle;

sixth means (col. 5, lines 50-56) for adjusting the parameter in a case where any forward traveling object other than the preceding vehicle has been judged;

seventh means (col. 5, lines 5-22) for judging whether the adjusted parameter is larger than a threshold value; and

eighth means (col. 5, lines 5-22) for judging that the preceding vehicle is not traveling in front of the travel path of the own vehicle in a case where the adjusted parameter is larger than the threshold value and outputting a signal (col. 5, lines 5-22).

Regarding claim 30, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose the vehicle surroundings monitoring apparatus according to claim 29, wherein the parameter is cleared when the lengthwise distance is farther than a pre-established distance.

Regarding claim 31, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose the vehicle surroundings monitoring apparatus according to claim 29, wherein the parameter is set to

increase when the preceding vehicle is in a region comprising an area of a predetermined width and length around the travel path of the own vehicle .

Regarding claim 32, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose the vehicle surroundings monitoring apparatus according to claim 31, wherein the parameter is set to increase as the preceding vehicle approaches the own vehicle region (see frequency histogram, fig. 13).

Regarding claim 33, Saneyoshi et al. (abstract, figs. 1, 2, 4-14; cols. 2-9) disclose a travel control system for controlling the travel of an own vehicle at least based on the output signal from the vehicle surroundings monitoring apparatus described in claim 29.

#### ***Response to Arguments***

5. Applicant's arguments filed 6/23/08 have been fully considered but they are not persuasive.

Applicant has made substantial amendments and argues that the amendments have overcome the 112 rejections. The examiner respectfully disagrees.

In claim 29, recites, sixth means for adjusting the parameter in a case where any forward traveling object other than the preceding vehicle has been judged"; "seventh means for judging whether *the adjusted parameter* is larger than a threshold value". Thus the claimed "adjusted parameter" implies that a forward traveling object other than the preceding vehicle has been judged. Then claim 29 further recites, "an eighth means for judging that *the preceding vehicle is not traveling in front* of the travel path of the own vehicle in a case where *the adjusted parameter* is larger than the threshold value." Now fig. 4 shows that at step S308 a first time is established according to a position of a preceding vehicle. Then in step S309 a second time is established

according to objects other than the preceding vehicle. Now step S310 requites that a time be greater than or equal 100. Does the time in S310 refer to the time in S308 or S309 or both? The claimed limitations are therefore not enabled since they are not supported in the disclosure.

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The rejections are proper and thus stand.

### ***Communication***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONNIE MANCHO whose telephone number is (571)272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Tran Khoi can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho  
Examiner  
Art Unit 3664

9/15/2008  
/KHOI TRAN/  
Supervisory Patent Examiner, Art Unit 3664